

1
2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 SolarCity Corporation,

10 Plaintiff,

11 v.

12 Salt River Project Agricultural
13 Improvement and Power District,

14 Defendant.

No. CV-15-00374-PHX-DLR

**ORDER SETTING FINAL
PRETRIAL CONFERENCE**

15
16 **IT IS ORDERED** setting a Final Pretrial Conference in this case for **November**
17 **1, 2016 at 9:00 a.m.**

18 **IT IS FURTHER ORDERED** that the attorneys who will be responsible for the
19 trial of the case shall attend the Final Pretrial Conference (to be held at 401 W.
20 Washington Street, Phoenix, Arizona, Courtroom 506).

21 **IT IS FURTHER ORDERED** that the attorneys who will be responsible for the
22 trial of the case shall:

23 (1) Prepare and sign a **joint Proposed Final Pretrial Order** and lodge it with the Court
24 (by electronically filing a notice of lodging with the **joint Proposed Final Pretrial Order**
25 attached) by **October 27, 2016**.

26 ///

27 ///

28 ///

1 (2) In addition to lodging a copy of the **joint** Proposed Final Pretrial Order, the parties
2 shall also submit a copy of the **joint** Proposed Final Pretrial Order in a Word compatible
3 format to the chambers' e-mail address.¹

4 (3) Finally, the parties shall also submit a paper copy of the **joint** Proposed Final
5 Pretrial Order to chambers within 5 days of filing (as indicated below, all paper copies
6 shall be three-hole punched on the left side of the document).

7 **IT IS FURTHER ORDERED** that the content of the **joint** Proposed Final
8 Pretrial Order shall include, but not be limited to, the content prescribed in the Proposed
9 Final Pretrial Form of Order found on the Court's website at www.azd.uscourts.gov
10 under Judges' Information/Orders, Forms and Procedures/Judge Rayes.

11 **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure
12 37(c), the Court will not allow the parties to offer an exhibit, a witness, or other
13 information that was not: (1) disclosed in accordance with the provisions of this Order;
14 (2) disclosed in accordance with the provisions of the Federal Rules of Civil Procedure;
15 **and** (3) listed in the **joint** Proposed Final Pretrial Order; unless the offering party can
16 show good cause as to why such party failed to comply with these requirements.

17 **IT IS FURTHER ORDERED** that the parties shall exchange drafts of the **joint**
18 Proposed Final Pretrial Order **no later than fourteen (14) days before the submission**
19 **deadline.**

20 **IT IS FURTHER ORDERED** that:
21 (1) the parties shall number exhibits as provided in the Exhibit Marking Instructions
22 located on the Court's website at www.azd.uscourts.gov under Judges'
23 Information/Orders, Forms and Procedures/Judge Rayes., and such numbers shall
24 correspond to the numbers of exhibits listed in the **joint** Proposed Final Pretrial Order;

25 ///

26
27
28 ¹ Rayes_chambers@azd.uscourts.gov

(2) **no later than fourteen (14) days before the submission deadline for the joint Proposed Final Pretrial Order**, the parties shall meet in person and exchange marked copies of all exhibits to be used at trial; any exhibit not marked and exchanged at this meeting shall be precluded at trial;² and

(3) while meeting to exchange exhibits, the parties shall eliminate any duplicate exhibits.³

IT IS FURTHER ORDERED that, if this case shall be tried to a jury, the parties shall file and serve all motions in limine no later than **October 3, 2016**. Each motion in limine shall include the legal basis supporting it. Responses to motions in limine are due **October 13, 2016**. Motions in limine and Responses shall be no more than five (5) pages in length. **No replies will be permitted**. The attorneys for all parties shall come to the Final Pretrial Conference prepared to address the merits of all such motions.

IT IS FURTHER ORDERED that, if this case shall be tried to a jury, the parties shall complete the following tasks by the time of the lodging of the joint Proposed Final Pretrial Order:

(1) The parties shall file in a separate pleading a **stipulated-to** description of the case to be read to the jury;

(2) For purposes of voir dire, the parties shall provide a **joint** master list of the name of every witness who may be called at trial;

(3) The parties shall file in a **joint separate** pleading a proposed set of voir dire questions. The voir dire questions shall be drafted in a neutral manner. To the extent possible, the parties shall **stipulate to** the proposed voir dire questions. If the parties have any disagreement about a particular question, the party or parties objecting shall state the reason for their objection below the question.

² If there is any dispute as to the location of this meeting, it shall occur in this Court's jury room.

³ The exhibits do not need to be delivered to court at the final pretrial conference. They should be marked and given to the courtroom deputy by the morning trial begins.

1 (4) The parties shall file in a **joint separate** pleading a proposed set of jury
2 instructions.⁴

3 (5) Each party shall file in a **separate** pleading a form of verdict to be given to the
4 jury at the end of the trial.

5 **IT IS FURTHER ORDERED** that, if the case will be tried to a jury, in addition
6 to filing with the Clerk of the Court, the parties shall also submit their **joint** proposed voir
7 dire questions, **stipulated-to** statement of the case, **joint** proposed jury instructions, and
8 **separate** forms of verdict in a Word compatible format to the chambers' e-mail address.

9 **IT IS FURTHER ORDERED** that, if the case will be tried to the Court, each
10 party shall lodge, in addition to the **joint** Proposed Final Pretrial Order, proposed findings
11 of fact and conclusions of law, by the same date the **joint** Proposed Final Pretrial Order is
12 due. These proposed findings of fact and conclusions of law shall be submitted in both
13 written copy and in a Word compatible format to the chambers' e-mail address.

14 **IT IS FURTHER ORDERED** that the parties shall keep the Court informed of
15 the possibility of settlement and, should settlement be reached, the parties shall promptly
16 present a Stipulation and Order of Dismissal for signature by the undersigned. Mere
17 Notice of Settlement or notification by phone or e-mail of settlement shall not suffice to
18 vacate the trial date, nor excuse the parties from being ready and able to proceed with
19 trial at the time and on the date set for trial.

20 **IT IS FURTHER ORDERED** that the Court's paper copy of every document
21 required by this Order shall be **three-hole punched** on the left side of the document.

22 ///

23 ///

24 ///

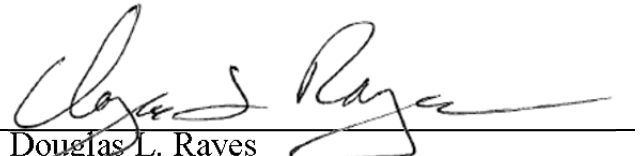
25

26

27 ⁴ See Guidelines for Jury Instructions in Civil Cases located on the Court's
28 website at www.azd.uscourts.gov under Judges' Information/Orders, Forms and
Procedures.

1
2 **IT IS FURTHER ORDERED** that this Court views compliance with the
3 provisions of this Order as critical to its case management responsibilities and the
4 responsibilities of the parties under Rule 1 of the Federal Rules of Civil Procedure.
5

6 Dated this 24th day of November, 2015.
7
8

9
10 
11 Douglas L. Rayes
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28